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CHOKSHI, PINKAL R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com

debbie.henn@philips.com

marianne.fox@philips.com

Office Action Summary

Application No.

10/569,172

Applicant(s)

PIESING, JONATHAN R.

Examiner

PINKAL R. CHOKSHI

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/12/2011 have been fully considered but they are not persuasive. Regarding claim 1, Applicant alleges that the combination of Piesing, Bulkowski, and Gebhardt does not disclose that the timebase/identification signal are interrupted due to the insertion of a further commercial into the broadcast stream downstream from the broadcaster and upstream from the client receiver. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the timebase/identification signal are interrupted due to the insertion of a further commercial into the broadcast stream downstream from the broadcaster and upstream from the client receiver) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicant asserts that the combination of references does not teach pausing a local timebase corresponding to the timebase contained in the received broadcast signal in response to the identification signal not being present. Examiner respectfully disagrees. Combination of references teaches this limitation, where Piesing discloses (§0025, §0028) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application, and Gebhardt discloses (col.11, lines 57-65) that the local time of the receiver is set by the received time signal.

Regarding claim 16, Applicant alleges that Reisman does not teach the additional information is unannounced weather updates. Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Combination of Piesing and Reisman teaches this limitation, where Piesing discloses (¶0022, ¶0025) that the distributor inserts the additional information in the broadcast signal and Reisman discloses (¶0123, ¶0528) that the enhancement content, such as alerting services, emergency broadcast system, news alerts, weather, etc, are included in the broadcast signal that is transmitted to the receiver. Therefore, it renders the obviousness of the claim and moots Applicant's argument.

With regard to the other dependent claims, the respective rejections are maintained as Applicant has only argued that the combination of references does not cure the deficiency of claims 1 and 8, nevertheless it is the Examiner's contention that the combination of Piesing, Bulkowski, and Gebhardt does not contain any deficiency. See the rejection below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1 and 8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Regarding claims 1 and 8, applicant discloses "...generating a local timebase corresponding to said received timebase...", "...pausing the local timebase...", "...restarting the output timebase...", and "...said signal detector generating a detection signal when said identification signal is not detected..." However, application fails to provide adequate support by the first paragraph of 35 U.S.C. 112 for above mentioned limitation in the detailed description. Applicant to provide support for this limitation.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites the limitation "the output timebase" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-5, 7-12, and 14, 15, 17, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2003/0079225 to Piesing et al (hereafter referenced as Piesing) in view of US PG Pub 2004/0034875 to Bulkowski et al (hereafter referenced as Bulkowski) and US Patent 7,634,787 to Gebhardt (hereafter referenced as Gebhardt).

Regarding **claim 1**, “a method of monitoring a broadcast signal” reads on the method where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to “the method comprising receiving, by an end user device, a broadcast signal including at least three components, an identification signal” Piesing discloses (§0019, ¶0024) that the broadcast signal (28), generated by broadcaster and received by end user device, includes a video component, an audio component, a data component, and an identification signal as represented in Fig. 1 (elements 18, 20, 22).

As to “the broadcast signal including a timebase” Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that

the possible interruption includes pausing an internal timebase received in receiver.

As to “monitoring the broadcast signal in order to detect the identification signal” Piesing discloses (§§0021 and §§0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to “pausing the local timebase to accommodate at least interactive applications, if the identification signal is not detected” Piesing discloses (§§0019) that the broadcast signal transmitted to end user device includes a data component signal, which is in form of an interactive application as represented in Fig. 1 (element 22). Piesing further discloses (§§0025, §§0028) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to “restarting the output timebase when the identification signal is detected” Piesing discloses (§§0025) that the interruption will be suspended when the identification signal is returned.

Piesing meets all the limitations of the claim except “timebase being a periodic incremental clock inserted in one of the three data components and pausing the local timebase.” However, Bulkowski discloses (§§0039, §§0069, §§0070, claim 2) that the time pulses (periodic incremental clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (§§0081-§§0083) that the time base, associated with the data sub-stream,

is transmitted to the client device as represented in Fig. 5. Bulkowski also discloses (§0070) that the timing information transmitted with the data stream to the client device includes time pulses, which delivered regularly to the client and consist of the current time on the stream's time base. Bulkowski also discloses (§0074-§0076) that the time base associated with data stream is paused. Bulkowski further discloses (TABLE 1) that the pauseTime is time in seconds at which the enhancement should be paused, and all UI (user interface) made invisible to the user.

As to "restarting the output timebase" Bulkowski discloses (§0083) that the client device recreates the time base associated with the data stream. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§0004, §0012).

Combination of Piesing and Bulkowski meets all the limitations of the claim except "generating a local timebase corresponding to said received timebase." However, Gebhardt discloses (col.11, lines 57-65) that the local time of the receiver is set by the received time signal.

As to "pausing timebase at unspecified time intervals and restarting the output timebase such that at least two of the three components are synchronized with the interactive applications" Gebhardt discloses (col.5, lines 4-33; col.14,

lines 4-64) that the execution of the interactive application is suspended; after a commercial is completed, execution of the interactive application is resumed and began from the same state information it had when the commercial began. Gebhardt further discloses (col.10, lines 19-24; col.13, lines 54-61) that in response to control signals, execution of an interactive application, such as starting or pausing application, is generated to effect the synchronous execution of the television shows and broadcast programs. Gebhardt also discloses (col.7, lines 59-61; col.11, lines 57-65) that the control signals are embedded in real time into the broadcast data. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing and Bulkowski's systems by pausing and restarting the timebase that accommodate interactive application as taught by Gebhardt in order to display/terminate appropriate interactivity for broadcast programs (col.5, lines 30-33; col.13, lines 59-61).

Regarding **claim 2**, "a method wherein the broadcast signal comprises a video component, an audio component, and a data component" Piesing discloses (¶0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 3**, "a method wherein the timebase is inserted into the data component of the broadcast signal" Piesing discloses (¶0020) that the

interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is inserted into the data component. However, Bulkowski discloses (§§0069, §§0070, §§0083, §§0087) that the timing information consists of time pulses that are combined with the data sub-stream (data component) as represented in Fig. 5. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§§0004, §§0012).

Regarding **claim 4**, "a method wherein the broadcast signal is a digital signal and the identification signal is present in the data component of the broadcast signal" Piesing discloses (§§0010) that the broadcast signal is a digital signal. Piesing further discloses (§§0019) that the identification signal is produced by device 26 with data component and other data to generate broadcast signal.

Regarding **claim 5**, "a method wherein the broadcast signal is an analogue signal and the identification signal is present in the vertical blanking interval of the broadcast signal" Piesing discloses (§§0029) that the broadcast

signal is an analog signal with the identification signal is presented in VBI of the broadcast signal.

Regarding **claim 7**, "a method wherein the identification signal is present in the normal data structures describing the video component of the broadcast signal" Piesing discloses (§§0021, §§0024, §§0025) that the identification signal is carried in the video signal which describes its component by above mentioned operation.

Regarding **claim 8**, "an apparatus for monitoring a broadcast signal" reads on the receiver where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to "the apparatus comprising receiver for receiving the broadcast signal, the broadcast signal including at least three components, an identification signal and a timebase" Piesing discloses (§§0019, §§0024) that the broadcast signal (28), generated by broadcaster and received by end user device, includes a video component, an audio component, and a data component as represented in Fig. 1 (elements 18, 20, 22). Piesing also discloses (§§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§§0025) that the possible interruption includes pausing an internal timebase received in receiver.

As to "at least one of said three components forming interactive applications to be executed on said apparatus" Piesing discloses (§¶0019) that the broadcast signal transmitted to end user device includes a data component signal, which is in form of an interactive application as represented in Fig. 1 (element 22).

As to "signal detector for detecting the identification signal in the broadcast signal" Piesing discloses (§¶0021 and §¶0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to "said signal detector generating a detection signal when said identification signal is not detected" Piesing discloses (§¶0025, §¶0028) that when receiver does not detect the identification signal in broadcast signal, it interrupts by pausing an internal timebase of the interactive application.

As to "said timebase generator also receiving the detection signal from the signal detector for pausing the local timebase when the identification signal is not detected" Piesing discloses (§¶0025, §¶0028) that when receiver does not detect the identification signal in broadcast signal, it interrupts by pausing an internal timebase of the interactive application, where the interruption will be suspended when the identification signal is returned.

Piesing meets all the limitations of the claim except "a timebase generator for receiving said timebase and pausing the timebase, wherein said timebase is a periodic clock inserted into one of the three components." However, Bulkowski

discloses (§§0039, §§0069, §§0070, claim 2) that the time pulses (periodic clock) is combined with the data-substream, which is a part of MPEG/data stream. Bulkowski further discloses (§§0081-§§0083) that the time base, associated with the data sub-stream, is transmitted to the client device as represented in Fig. 5. Bulkowski also discloses (§§0070) that the timing information transmitted with the data stream to the client device includes time pulses, which delivered regularly to the client and consist of the current time on the stream's time base. Bulkowski also discloses (§§0074-§§0076) that the time base associated with data stream is paused. Bulkowski further discloses (TABLE 1) that the pauseTime is time in seconds at which the enhancement should be paused, and all UI (user interface) made invisible to the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§§0004, §§0012).

Combination of Piesing and Bulkowski meets all the limitations of the claim except "a timebase generator for generating a local timebase corresponding to said received timebase and the received timebase and local timebase remain synchronized." However, Gebhardt discloses (col.11, lines 57-65) that the local time of the receiver is set by the received time signal, where the receiver continuously has access to the current time.

As to “whereby in case of unexpected interruptions in the received timebase and the identification signal and at least two of the three components are resynchronized with the interactive applications” Gebhardt discloses (col.5, lines 4-33; col.14, lines 4-64) that the execution of the interactive application is suspended; after a commercial is completed, execution of the interactive application is resumed and began from the same state information it had when the commercial began. Gebhardt further discloses (col.10, lines 19-24; col.13, lines 54-61) that in response to control signals, execution of an interactive application, such as starting or pausing application, is generated to effect the synchronous execution of the television shows and broadcast programs. Gebhardt also discloses (col.7, lines 59-61; col.11, lines 57-65) that the control signals are embedded in real time into the broadcast data. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing and Bulkowski’s systems by pausing and restarting the timebase that accommodate interactive application as taught by Gebhardt in order to display/terminate appropriate interactivity for broadcast programs (col.5, lines 30-33; col.13, lines 59-61).

Regarding **claim 9**, “apparatus wherein the signal comprises a video component, an audio component, and a data component” Piesing discloses (§0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 10**, "apparatus wherein the received timebase is inserted into the data component of the broadcast signal" Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is a periodic clock inserted into the data component. However, Bulkowski discloses (§0069, §0070, §0083, §0087) that the timing information consists of time pulses that are combined with the data sub-stream (data component) as represented in Fig. 5. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by pausing time base as taught by Bulkowski in order to run interactive application correctly on a viewer's screen so the viewer has a great deal of control over what appears on screen (§0004, §0012).

Regarding **claim 11**, "apparatus wherein the receiver and the signal detector are portions of an integrated circuit" Piesing discloses (§0026) that the receiving means and monitoring means are part of an integrated circuit.

Regarding **claim 12**, "apparatus wherein the apparatus is a digital

television receiver" Piesing discloses (§0023) that the apparatus is a receiver as represented in Fig. 1 (element 34).

Regarding **claim 14**, "the method according to claim 1, wherein the pausing step occurs due to insertion of additional information in the broadcast signal" Piesing discloses (§0022, §0025) that the distributor inserts the additional information in the broadcast signal where the interruptions occurs of the interactive application as represented in Fig. 1 (elements 28, 30, 32).

Regarding **claim 15**, "the method according to claim 14, wherein the additional information is advertisements" Piesing discloses (§0022, §0025) that the distributor inserts commercials in the broadcast signal.

Regarding **claim 17**, "the apparatus according to claim 8, wherein the pausing of the local timebase occurs due to insertion of additional information in the broadcast signal" Piesing discloses (§0022, §0025) that the distributor inserts the additional information in the broadcast signal where the interruptions occurs of the interactive application as represented in Fig. 1 (elements 28, 30, 32).

Regarding **claim 18**, "the apparatus according to claim 17, wherein the additional information is advertisements" Piesing discloses (§0022, §0025) that the distributor inserts commercials in the broadcast signal.

8. **Claims 16 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Piesing in view of Bulkowski and Gebhardt as applied to claims 14 and 17 above, and further in view of US PG Pub 2009/0320073 to Reisman (hereafter referenced as Reisman).

Regarding **claim 16**, combination of Piesing, Bulkowski, and Gebhardt meets all the limitations of the claim except “the method according to claim 14, wherein the additional information is unannounced weather updates.” However, Reisman discloses (§0123, §0528) that the broadcast signal received at the receiver includes alerting service such as emergency broadcast system, news alerts, financial alerts, weather, etc. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing, Bulkowski, and Gebhardt’s systems by inserting weather updates in the broadcast signal as taught by Reisman so the user can be alerted about the emergency information.

Regarding **claim 19**, combination of Piesing, Bulkowski, and Gebhardt meets all the limitations of the claim except “the apparatus according to claim 17, wherein the additional information is unannounced weather updates.” However, Reisman discloses (§0123, §0528) that the broadcast signal received at the receiver includes alerting service such as emergency broadcast system, news alerts, financial alerts, weather, etc. Therefore, it would have been obvious to

one of the ordinary skills in the art at the time of the invention to modify Piesing, Bulkowski, and Gebhardt's systems by inserting weather updates in the broadcast signal as taught by Reisman so the user can be alerted about the emergency information.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL R. CHOKSHI whose telephone number is (571)270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PINKAL R CHOKSHI/
Examiner, Art Unit 2425